

**RESOLUTION NO. 2026-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING AN AFTER-THE-FACT VARIANCE APPLICATION FOR PROPERTY LOCATED AT 1707 BERTHA STREET (RE# 00062550-000000) IN THE COASTAL MEDIUM DENSITY RESIDENTIAL (MDR-C) ZONING DISTRICT; APPROVING VARIANCES FROM THE MINIMUM REAR YARD SETBACK REQUIREMENTS AND THE MAXIMUM BUILDING COVERAGE AND IMPERVIOUS SURFACE REQUIREMENTS PURSUANT TO SECTIONS 90-395, 122-300(4)a., 122-300(4)b., AND 122-300(6)a.3 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the property located at 1707 Bertha Street (RE# 00062550-000000) is located within the Coastal Medium Density Residential (MDR-C) zoning district in the City of Key West, Florida; and

**WHEREAS**, the property consists of an approximately 4,625 square foot parcel developed with a single-family residence; and

**WHEREAS**, the applicant, Owen Trepanier of Trepanier & Associates, on behalf of the property owners, George Beys and Ihona Gonzales, submitted an application for after-the-fact variances associated with construction consisting of a rear addition containing a bedroom and associated overhang, together with a rear porch and overhang; and

**WHEREAS**, the application requests variances from the maximum building coverage requirements pursuant to Section 122-300(4)a., the maximum impervious surface requirements

pursuant to Section 122-300(4)b., and the minimum rear yard setback requirements pursuant to Section 122-300(6)a.3 of the Land Development Regulations; and

**WHEREAS**, the improvements increased building coverage on the subject property from approximately 33% to 41%, exceeding the maximum permitted building coverage of 40%; and

**WHEREAS**, the improvements resulted in impervious surface coverage of approximately 54%, exceeding the maximum permitted impervious surface limitation of 50%; and

**WHEREAS**, the rear addition and porch encroach into the required twenty-foot rear setback, reducing the setback to approximately sixteen feet five inches (16'-5"), requiring a variance of approximately three feet seven inches (3'-7"); and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing on June 18, 2026, pursuant to the requirements of the Code of Ordinances of the City of Key West, Florida; and

**WHEREAS**, the Planning Board has considered the staff report, applicant testimony, public comment, and the entire record of the proceeding; and

**WHEREAS**, pursuant to Section 90-395 of the Code of Ordinances, the Planning Board must find that all required variance criteria have been satisfied prior to granting a variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated compliance with the applicable variance criteria as set forth below.

**NOW, THEREFORE, BE IT RESOLVED** By The Planning Board Of The City Of Key West, Florida:

**Section 1: Recitals**

The above recitals are true and correct and are incorporated herein by reference.

**Section 2: Findings of Fact**

The Planning Board makes the following findings of fact and conclusions of law regarding the variance criteria set forth in Section 90-395 of the Code of Ordinances:

**1. Existence of Special Conditions or Circumstances**

The Planning Board finds that special conditions and circumstances exist which are peculiar to the land and structure involved, including the existing development pattern of the neighborhood, the size and configuration of the lot, and the limited area available for expansion while maintaining reasonable residential use of the property. These conditions are not generally applicable to other properties within the same zoning district.

The application is in compliance with this criterion.

**2. Conditions Not Created by Applicant**

The Planning Board finds that while the improvements were constructed without prior approval, the requested variances are associated with modest encroachments and coverage increases that do not substantially alter the character of the property or surrounding neighborhood. The Board further finds that approval of the variances will allow the property to remain in productive residential use consistent with the intent of the MDR-C zoning district.

The application is in compliance with this criterion.

**3. Special Privileges Not Conferred**

The Planning Board finds that approval of the requested variances will not confer a special privilege upon the applicant that is denied to other similarly situated properties within the MDR-C zoning district.

The application is in compliance with this criterion.

**4. Hardship Conditions Exist**

The Planning Board finds that strict application of the Land Development Regulations would create an unnecessary hardship by requiring removal or substantial reconstruction of improvements that are compatible with the scale and character of the neighborhood and that do not adversely affect adjacent properties.

The application is in compliance with this criterion.

**5. Only Minimum Variance Granted**

The Planning Board finds that the requested variances represent the minimum necessary to allow reasonable use of the property and to recognize the existing improvements.

The application is in compliance with this criterion.

**6. Not Injurious to the Public Welfare**

The Planning Board finds that the requested variances will not be injurious to the surrounding area or otherwise detrimental to the public interest or welfare, and that the improvements are compatible with the existing residential character of the neighborhood.

The application is in compliance with this criterion.

**7. Existing Nonconforming Uses Not Basis for Approval**

The Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings has been used as grounds for issuance of the requested variances.

The application is in compliance with this criterion.

**Section 3: Concurrency and Public Facilities**

The Planning Board finds that the requested variances are not anticipated to create adverse impacts on public facilities, infrastructure, or utility services pursuant to Section 108-233 of the Code of Ordinances.

**Section 4: Good Neighbor Policy**

The Planning Board finds that, as of June 12, 2026, no letters of support or objection had been received regarding the application.

**Section 5: Approval of Variance Request**

Based upon the competent substantial evidence contained in the record, the Planning Board finds that the applicant has satisfied the required criteria for approval of a variance pursuant to Section 90-395 of the Code of Ordinances of the City of Key West.

Accordingly, the after-the-fact variance request for property located at 1707 Bertha Street (RE# 00062550-000000), seeking variances from the maximum building coverage requirements, maximum impervious surface requirements, and minimum rear yard setback requirements, is hereby APPROVED, subject to the following conditions:

1. The approval is limited to the specific plans and dimensions submitted with the application.
2. Any future modifications or additions to the structure shall require review and approval in accordance with the Land Development Regulations.
3. The applicant shall obtain all required building permits and inspections associated with legalization of the improvements.

4. The applicant shall comply with all other applicable local, state, and federal laws and regulations.

**Section 6: Effective Date**

This Resolution shall become effective immediately upon adoption by the Planning Board of the City of Key West, Florida.

Read and passed at a regularly scheduled meeting held this 18<sup>th</sup> day of June, 2026.

Authenticated by the Chairman of the Planning Board and the City Planner;

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Peter Batty, Planning Board Chairman Date

**Attest:**

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Taylor Brown, City Planner Date

**Filed with the Clerk:**

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Keri O'Brien, City Clerk Date